

REMARKS

Favorable consideration and allowance are requested for claims 1-6, 8-15, and 24-27 in view of the following remarks.

Status of the Application

Claims 1-6, 8-15, and 24-27 are pending in this application. Claim 23 was objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form.

Claims 1-9 and 23 were rejected under the enablement requirement of 35 U.S.C. § 112, ¶ 1. Claim 7 was rejected under 35 U.S.C. § 112, ¶ 2 for being indefinite.

Claims 1-5, 7-10, 12, 13, 15, 24, 26, and 27 were rejected under 35 U.S.C.

§ 102(b) as being unpatentable over US. Patent No. 6,248,236 to Hodgkins (the "Hodgkins patent"). Claims 11 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of the Hodgkins patent over U.S. Patent No.

5,685,985 to Brown *et al.* (the "Brown patent"). Claims 6, 14, and 23 were

rejected under 35 U.S.C. § 103(a) in view of the Hodgkins patent in view of U.S.

Patent No. 6,045,693 to Miller *et al.* (the "Miller patent"). Claims 1, 5, 6, 8, and 25 have been amended. Claims 7 and 23 have been cancelled.

Rejection under 35 U.S.C. §§ 112, ¶ 1

According to the Examiner, the disclosure is not enabling for claims 1, 3, 4, 7-9, and 23 based on the first wall not being in sealing engagement with the end of housing. In response, Applicant respectfully asserts that this rejection should be withdrawn in view of the amendment to claim 1.

The Examiner indicated that claims 5 and 6 are not enabled as the first wall surrounding the first tube is an essential part of the invention. In response, Applicant respectfully asserts that this rejection should be withdrawn in view of the amendments to claim 5 and 6.

The Examiner also asserted that claims 1, 2, 4-9, and 23 are not enabled as a hole extending between the first and second sides is essential to the practice of the invention. In response, Applicant asserts that as each of independent claims 1, 5, and 6 recites the first tube being in fluid communication with the second side, this rejection is improper.

The Examiner further asserted that claims 1-9 and 23 are not enabled as the filter media having a central opening, the end supporting a second tube in fluid communication with the cavity, and a third tube at the other end of the housing are essential to the practice of the invention. In response, Applicant respectfully asserts that the Examiner has failed to meet the initial burden required to establish why these limitations are necessary to practice the invention, and, therefore, this rejection should be withdrawn. *See* MPEP § 2164.04.

Rejection under 35 U.S.C. § 102(b)

According to the Examiner, the Hodgkins patent discloses all the subject matter of claims 1-5, 7-10, 12, 13, 15, 24, 26, and 27. In response, Applicant respectfully asserts that the Hodgkins patent does not disclose that that the

second material is different than the first material. For at least this reason, the rejection of claims 1-5, 8-10, 12, 13, 15, 24, 26, and 27 should be withdrawn.

Rejections under 35 U.S.C. § 103(a)

According to the Examiner, it would have been obvious to combine the subject matter of the Hodgkins and Brown patents to provide the subject matter of claims 11 and 15. Also, the Examiner stated that it would have been obvious to combine the subject matter of the Hodgkins and Miller patents to provide the subject matter of claims 6 and 14.

In response, Applicant asserts that neither the Brown nor the Miller patents discloses the subject matter not present in the Hodgkins patent. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

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If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #102513.57840US).

Respectfully submitted,

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/Michael H. JACOBS, Reg. No. 41870/
Michael H. Jacobs
Registration No. 41,870

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
MHJ:msy